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(Signature of person mailing paper or fee)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Joseph William Lowry and Eustathios Vassiliou

DOCKET NO. AN18D3

CONFIRMATION NO. 1379

GROUP ART UNIT: 3677

SERIAL NUMBER: 10/729,311

FILED: 12/05/2003

EXAMINER OF APPLICATION:

Lugo, Carlos

FOR: Spring Fastener Having Multifunctional Barbs
Various Lengths

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Date: May 3, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION

In response to the Office Action dated 04/05/2004, reconsideration of the application in view of the following amendment and remarks is respectfully requested.

In summary, it is considered that each issue raised in the outstanding Office Action has been directly answered, and reconsideration is respectfully requested. All claims of the present application are considered to be in condition for allowance and a notice to this effect is earnestly solicited.

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REMARKS

Reconsideration of the application is respectfully requested.

Claims 47-66 were pending in the Application. Claims 47-49 and 58 were amended. Claims 47-66 are now pending in the application.

The amendments of claims 49 and 58 were made according to the Examiner's instructions in order to overcome the objection. The amendments of claims 47 and 48 were made to better clarify the invention. They find support in Figure 12.

The Specification was amended according to the instructions of the Examiner. The paragraph starting on page 18, line 4 was amended to better clarify the present invention. It finds support in Figure 12. The paragraph starting on page 18, line 23 was amended to better explain a newly added Figure 13. It finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28). It should be stressed, as very clearly shown by the Figures, that by the word "high" Applicants meant "long", and by the word "low" meant "short". In contrast, the Office Action interpreted "high" as "closer to the head" and "low" as "further away from the head", despite the clear identification in the Figures.

The addition of Figure 13 finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

DETAILED ACTION

Drawings

1. Annotated marked-up Drawings and Replacement Sheet designating Figures 1A and 2A as prior art have already been submitted with the Preliminary

Amendment dated December 5, 2003. However, they are hereby re-submitted for the convenience of the Examiner. It should be noted that correction was also made regarding the reference character 12A to be 14A (upper side of the head of the fastener 10A), of 14A to be 16A (lower side of the head of the fastener 10A), and the addition of 12A to designate the head of the fastener 10A, as well as the addition of 40A to designate the front part of the barbs 36A. The Amendment regarding the correction of the reference characters finds support in Figure 1, wherein all reference characters designating miscellaneous elements are the same for respective elements in Figure 1A, with the difference the letter "A" follows the reference character in Figure 1A.

2. A new Drawing, represented by Figure 13 is hereby submitted. The addition of Figure 13 finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

Specification

3. The disclosure was objected to because of certain informalities.

The specification was amended on page 13, line 27, to change "front point 32" as -- front point 40 --, and on page 14, line 3, to change "upper surface 42" as -- upper surface 52 --.

Therefore Applicants respectfully request withdrawal of the objection.

The paragraph starting on page 18, line 4 was amended to better clarify the present invention. It finds support in Figure 12.

The paragraph starting on page 18, line 23 was amended to better explain a newly added Figure 13. It finds support in Figure 4 of U.S. Patent 6,379,092 (Patel et al.), which has been incorporated in the parent Application by reference (see Page 18, lines 23-28).

Claim Objections

4. Claim 49 and 58 were objected to.

- In claim 49, line 2, the phrase “and a lower side” was deleted.
- In claim 58, line 2, the phrase “and a lower side” was deleted.

Therefore Applicants respectfully request withdrawal of the objection.

Claim Rejections - 35 USC § 102

5. The comments of the Examiner are acknowledged.

6. Claims 47, 49-52 and 55-57 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U. S. Patent No. 5,447,005 to Giannuzzi.

Applicants respectfully traverse the position of the Office Action. The claims of the present invention, have immense differences when compared to what Giannuzzi discloses and claims.

Claim 47, as now amended, requires the presence of at least one short and one long barb. In contrast, Giannuzzi discloses tabs of the same length.

Claim 47, as now amended, requires that the at least one long barb, also has a front point, which front point substantially reaches or exceeds the lower side of the substantially flat head. In contrast, both Giannuzzi's tabs are shown to be far away from the lower side of the head.

Claim 47, as now amended, requires that the barbs are directed away from the legs and toward the substantially flat head portion. In contrast, Giannuzzi discloses tabs which are directed away from both the legs and the head portion.

Claim 47 requires that the barbs originate from a region selected from the side neck portion 22 and the side leg portion 32. In contrast, in the case of Giannuzzi, the tabs 15 and 17 have to originate from the middle portion and not the side portion of the neck or legs, since otherwise they would not engage to the expanding screw and they would negate Giannuzzi' s invention.

Applicants respectfully submit that the Office action has misunderstood these facts, and regarding Giannuzzi' s disclosure, states "The high barb (15) has an origin, at a region selected from the side neck portion and the side leg portion, and a front point which front point substantially reaches or exceeds the lower side."

Applicants respectfully submit that according to this invention (See Figure 1, and Specification, page 12, lines 29-30, and page 13, lines 8-9) the side neck portions 22 and the side leg portions 32 are disposed far away from the middle portion of the neck 18 and the legs 24, respectively. Giannuzzi discloses tabs originating in the middle portion of the legs and not at a region selected from the side neck portion and the side leg portion, as the Office Action alleges.

Applicants also respectfully submit that the allegation of the Office Action stating ".....and a front point which front point substantially reaches or exceeds the lower side." is also incorrect. Actually, the front point of the high tab does not even approach the vicinity of the lower side of the head. It is disposed clearly and undoubtedly far away from it.

Based on the above, Applicants earnestly believe that claim 47 is not anticipated, and not even obviated, by the disclosure of Giannuzzi, and they respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 5,447,005 to Giannuzzi.

Since claims 49-52 and 55-57 depend directly or indirectly from claim 47, and contain all limitations of claim 47, Applicants earnestly believe these claim are not anticipated, and not even obviated, by the disclosure of Giannuzzi, and they respectfully request withdrawal of the rejection under 35 U.S.C. 102(b) as being

anticipated by U. S. Patent No. 5,447,005 to Giannuzzi.

Claim Rejections - 35 USC § 103

7. The comments of the Examiner are acknowledged.

8. Claims 48, 58-61 and 64-66 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U. S. Patent No. 5,447,005 to Giannuzzi in view of U.S. Patent Number 6,709,210 to Lowry et al (Lowry '210).

Applicants respectfully traverse the position of the Office Action.

Since Applicants earnestly believe, as demonstrated in paragraph 6 above, that claim 47 is not only novel but also patentable, and since claim 48 contains all the limitations of claim 47, one further limitation such as the requirement that the fastener is used in combination with a vehicle, by no means can render claim 48 unpatentable. Further, since claims 58-61 and 64-66 depend from claim 48 directly or indirectly, and therefore contain all limitations of claim 48, no additional limitations can render these claims unpatentable. Therefore, any further discussion regarding claims 58-61 and 64-66 would be moot.

Based on the above, Applicants earnestly believe that claims 48, 58-81 and 64-66 are patentable under 35 U.S.C. 103(a) over U. S. Patent No. 5,447,005 to Giannuzzi in view of U.S. Patent Number 6,709,210 to Lowry et al., and they respectfully request withdrawal of the rejection.

9. Claims 53 and 54 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U. S. Patent No. 5,447,005 to Giannuzzi in view of U.S. Patent Number 6,379,092 to Patel et al. (Patel).

Applicants respectfully traverse the position of the Office Action.

Since claims 53 and 54 depend directly from claim 47, and therefore contain all limitations of claim 47, any additional limitations cannot render these claims unpatentable. Therefore, any further discussion regarding claims 53 and 54 would be moot.

Based on the above, Applicants earnestly believe that claims 53 and 54 are patentable under 35 U.S.C. 103(a) over U. S. Patent No. 5,447,005 to Giannuzzi in view of U.S. Patent Number 6,379,092 to Patel et al., and they respectfully request withdrawal of the rejection.